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 14 *Corporation*

15 **UNITED STATES DISTRICT COURT**

16 **FOR THE DISTRICT OF NEVADA**

17 DAVID TAAVAO, an individual,

18 Plaintiff,

19 vs.

20 CLEARWATER PAPER CORPORATION, a
 21 Delaware corporation; CLEARWATER PAPER
 22 LAS VEGAS, LLC, a Delaware Limited
 23 Liability Company,

24 Defendants.

25 Case No.: 2:25-cv-00155-RFB-EJY

[PROPOSED] STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
FED. R. CIV. P. 26 (f) AND L.R. 26-1(b)

SPECIAL SCHEDULING REVIEW
REQUESTED

26 Plaintiff David Taavao (“Plaintiff”) and Defendant Clearwater Paper Corporation¹
 27 (“Defendant”), by and through their respective attorneys of record, hereby submit this Stipulated
 28 Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ.
 P.”) 26(f) and Local Rule (“LR”) 26-1(b).

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 31 ¹ On or about April 22, 2025, Plaintiff filed a Notice of Voluntary Dismissal of Defendant
 32 Clearwater Paper Las Vegas, LLC (ECF No. 6). Accordingly, only Defendant Clearwater Paper
 33 Corporation remains as a named defendant. Defendant Clearwater Paper Las Vegas, LLC, will
 34 remain on the caption until the Court enters the dismissal and/or authorizes revision of the caption
 35 (if any).

1 **I. Procedural History**

2 Plaintiff filed his Complaint in state court on January 24, 2025. (ECF No. 1).

3 Plaintiff filed a Notice of Voluntary Dismissal of Defendant Clearwater Paper Las Vegas,
4 LLC on April 22, 2025. (ECF No. 6).

5 Defendant Clearwater Paper Corporation (“Clearwater”) filed its Answer to Complaint on
6 April 25, 2025. (ECF No. 7).

7 On May 2, 2025, the Court Ordered and Early Neutral Evaluation session for July 2, 2025.
8 (ECF No. 9).

9 Undersigned counsel conducted a discovery conference pursuant to Fed. R. Civ. P. 26(f) on
10 May 14, 2025.

11 **II. Fed. R. Civ. P. 26(f) Meeting**

12 On May 14, 2025, Marian Massey, counsel for Plaintiff, and Courtney K. Lee, counsel for
13 Defendant, participated in the Fed. R. Civ. P. 26(f) conference.

14 **III. Initial Disclosures**

15 Pursuant to Fed. R. Civ. P. 26(f)(3)(A), the parties stipulate that there shall be no changes
16 to the form or requirement for disclosures under Fed. R. Civ. P. 26(a). The parties have stipulated
17 that disclosures under Fed. R. Civ. P. 26(a) shall be due on or before **May 28, 2025**, which is
18 fourteen (14) days from May 14, 2025, the Rule 26(f) Conference with Defendant’s Counsel.

19 **IV. The Subjects on Which Discovery Will Be Conducted**

20 The parties agree that discovery will be needed on the Plaintiff’s claims and causes of
21 action, damages, as well as the Defendant’s defenses to the same consistent with the Federal Rules
22 of Civil Procedure and the Local Rules of this District. The parties may obtain discovery regarding
23 any non-privileged matter that is relevant to any party’s claim or defense and proportional to the
24 needs of the case subject to the limitations imposed by Rule 26(b)(2).

25 **V. Issues Related to The Disclosure or Discovery Of Electronically Stored Information**

26 The parties believe that this case may involve or require the inspection or production of
27 some electronically stored information (“ESI”). To the extent a party requests ESI, the parties
28 agree that the ESI can be produced in paper format, as a readable image (e.g., .pdf, .jpg, or .tiff)

1 file, or via hard electronic copy (e.g., CD _ROM, DVD, or Dropbox.com) while reserving the right
2 to seek ESI thereafter if necessary and to the extent readable images are insufficient in establishing
3 any claims or defenses. If a party later requests the ESI be produced in its native format and/or as
4 a forensic copy, the parties agree to meet and confer to determine the parameters of the production
5 and to produce according to the Fed. R. Civ. P. and LR 26-1(b)(9).

6 **VI. Issues Regarding Privilege or Protection**

7 The parties agree to be bound by Federal Rule of Evidence 502 regarding the disclosure of
8 privileged material or work product. Further, the parties acknowledge and agree that while each
9 taking reasonable steps to identify and prevent the disclosure of any document (or information) that
10 they believe is privileged, there is a possibility that certain privileged material may be produced
11 inadvertently. Accordingly, the parties agree that a party who produces a document protected from
12 disclosure by the attorney-client privilege, attorney work product doctrine or any other recognized
13 privilege (“privileged document”) without intending to waive the claim of privilege associated with
14 such document may promptly, meaning within fifteen (15) days after the producing party actually
15 discovers that such inadvertent disclosure occurred, amend its discovery response and notify the
16 other party that such document was inadvertently produced and should have been withheld. Once
17 the producing party provides such notice to the requesting party, the requesting party must
18 promptly, meaning within seventy-two (72) hours, return the specified document(s) and any copies
19 thereof. By complying with this obligation, the requesting party does not waive any right to
20 challenge the assertion of privilege and request an order of the Court denying such privilege.

21 **VII. Discovery Disputes**

22 The parties agree that before moving for an order relating to discovery after complying with
23 the Federal Rules of Civil Procedure and applicable Local Rules of this District, the moving party
24 must request a status conference with the Court pursuant to Fed. R. Civ. P. 16(b)(3)(v).

25 **VIII. Alternative Dispute Resolution**

26 The parties hereby certify that they have met and conferred about the possibility of using
27 alternative dispute resolution processes including mediation and arbitration. The Court has
28 scheduled the Early Neutral Evaluation for July 2, 2025. (ECF No. 9). If the matter does not

1 resolve at the Early Neutral Evaluation, the parties will continue to confer regarding potential
 2 alternative dispute resolution in this case.

3 **IX. Alternative Forms of Case Disposition**

4 Pursuant to LR 26-1(b)(7-9), the parties hereby certify that they considered consent to trial
 5 by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short
 6 Trial Program. At this time, the parties do not consent to trial by the magistrate judge or to the use
 7 of the Court's Short Trial Program.

8 **X. Electronic Evidence**

9 The parties hereby certify that they discussed whether they intend to present evidence in
 10 electronic format to jurors for the purposes of jury deliberations. Discussions between the parties
 11 will be ongoing as the trial date approaches, and the parties stipulate that they intend to present any
 12 electronic evidence in a format compatible with the court's electronic jury evidence display
 13 system.

14 **XI. Discovery Plan**

15 All discovery in this case will be conducted in accordance with the Federal Rules of Civil
 16 Procedure and applicable Local Rules of this District Court. The reason for the extended discovery
 17 period is because the tissue division where Plaintiff was once employed with Defendant Clearwater
 18 Paper Corporation was sold on or about November 1, 2024, so the records may take additional time
 19 to obtain. The parties propose to the Court the following cut-off dates:

20 a. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **Friday, November 21, 2025**, 210 days from the Date of Defendant's Answer in this case, which was filed
 21 on April 25, 2025.

22 b. **Amending the Pleadings and Adding Parties:** The deadline to amend pleadings
 23 or add parties shall be **Monday, August 25, 2025**², ninety (90) days prior to the discovery cut-off
 24 date.

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 27 ² Pursuant to Fed. R. Civ. P. 6(a)(1)(C), if the last day is a Saturday, Sunday, or legal holiday, the
 28 period continues to run until the end of the next day that is not a Saturday, Sunday, or legal
 holiday. Here, the amendment deadline would be Saturday, August 23, 2025, therefore, pursuant to
 Fed. R. Civ. P. 6(a)(1)(C), the amendment deadline is Monday, August 25, 2025.

1 **c. Expert Disclosures:** The expert disclosure deadline shall be **Monday, September**
 2 **22, 2025**, sixty (60) days prior to the discovery cut-off date. Rebuttal expert disclosures shall be
 3 made by **Wednesday, October 22, 2025**, thirty (30) days after the initial disclosure of experts.

4 **d. Dispositive Motions:** Dispositive motions shall be filed by **Monday, December**
 5 **22, 2025**³, which is thirty (30) days after the discovery cut-off date.

6 **e. Pretrial Order:** The Pretrial Order shall be filed not later than **Wednesday,**
 7 **January 21, 2026**, thirty (30) days after the deadline for filing dispositive motions date. In the
 8 event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30)
 9 days after a decision of the dispositive motions or further order of the Court.

10 **f. Fed. R. Civ. P. 26(a)(3) Disclosures:** The pretrial disclosures required by Fed. R.
 11 Civ. P. 26(a)(3), and any objections thereto, shall be included in the final pretrial order in
 12 accordance with LR 26-1(b)(6).

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26 ³ Pursuant to Fed. R. Civ. P. 6(a)(1)(C), if the last day is a Saturday, Sunday, or legal holiday, the
 27 period continues to run until the end of the next day that is not a Saturday, Sunday, or legal
 28 holiday. Here, the dispositive motion deadline would be Sunday, December 21, 2025, therefore,
 pursuant to Fed. R. Civ. P. 6(a)(1)(C), the dispositive motion deadline is Monday, December 22,
 2025.

1 **XII. Extensions or Modifications of the Discovery Plan and Scheduling Order**

2 In accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this
 3 discovery plan and scheduling order shall be received by the Court no later than twenty-one (21)
 4 days before the expiration of the subject deadline. A request made within 21 days of the subject
 5 deadline will be supported by a showing of good cause. Any stipulation or motion will comply
 6 fully with LR 26-4.

7 DATED this 21st day of May, 2025. DATED this 21st day of May, 2025.

8 GREENBERG GROSS LLP

9 OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

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16 **ORDER**



17 Layne J. Zouchal
UNITED STATES MAGISTRATE JUDGE

18 DATED: May 21, 2025